

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY JANUARY 13, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1504

**Introduced by Assembly Member Skinner
(Principal coauthor: Assembly Member Chesbro)**

February 27, 2009

An act to amend Sections 4512, 4513, ~~4551~~, and ~~4582~~ *and 4551* of, and to add Section 4512.5 to, the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Skinner. Forest resources: carbon sequestration.

(1) The Z'berg-Nejedly Forest Practice Act of 1973, which regulates timber harvesting, contains legislative findings and declarations relative to forest resources, including a declaration that it is the policy of the state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to other specified public needs. The act also states the Legislature's intent to create and maintain an effective and comprehensive system of regulation and use of all timberlands to assure

that the goal of maximum sustained production of high quality timber products is achieved while giving consideration to specified values.

This bill would include in that list of specified public needs and that list of specified values sequestration of carbon dioxide. The bill also would make other legislative findings and declarations relative to carbon dioxide sequestration as it relates to forests.

(2) The act requires the Board of Forestry and Fire Protection to adopt district forest practice rules and regulations in accordance with specified policies to, among other things, assure the continuous growing and harvesting of commercial forest tree species. A willful violation of the board's rules or regulations is a crime.

This bill would also require the board to ensure that its rules and regulations that govern the harvesting of commercial forest tree species consider the capacity of forest resources to sequester carbon dioxide emissions sufficient to meet or exceed the state's greenhouse gas reduction requirements for the forestry sector, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006. Because a willful violation of those rules and regulations would be a crime, the bill would impose a state-mandated local program.

~~(3) The act requires a timber harvesting plan to be filed with the Department of Forestry and Fire Protection by a specified person if that person plans to harvest the timber on the land. The act requires the plan to include, among other things, an outline of the methods to be used to avoid excessive accelerated erosion from timber operations to be conducted within the proximity of a stream. A willful violation of the act is a crime.~~

~~This bill would also require the plan to include an estimate of the emissions of carbon dioxide from timber operations. Because a willful violation of that requirement would be a crime, the bill would impose a state-mandated local program.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4512 of the Public Resources Code is
2 amended to read:

3 4512. (a) The Legislature hereby finds and declares that the
4 forest resources and timberlands of the state are among the most
5 valuable of the natural resources of the state and that there is great
6 concern throughout the state relating to their utilization, restoration,
7 and protection.

8 (b) The Legislature further finds and declares that the forest
9 resources and timberlands of the state furnish high-quality timber,
10 recreational opportunities, and aesthetic enjoyment while providing
11 watershed protection and maintaining fisheries and wildlife.

12 (c) The Legislature thus declares that it is the policy of this state
13 to encourage prudent and responsible forest resource management
14 calculated to serve the public's need for timber and other forest
15 products, while giving consideration to the public's need for
16 watershed protection, fisheries and wildlife, sequestration of carbon
17 dioxide, and recreational opportunities alike in this and future
18 generations.

19 (d) It is not the intent of the Legislature by the enactment of this
20 chapter to take private property for public use without payment of
21 just compensation in violation of the California and United States
22 Constitutions.

23 SEC. 2. Section 4512.5 is added to the Public Resources Code,
24 to read:

25 4512.5. The Legislature finds and declares all of the following:

26 (a) State forests play a critical and unique role in the state's
27 carbon balance by sequestering carbon dioxide from the atmosphere
28 and storing it long term as carbon.

29 (b) According to the scoping plan adopted by the State Air
30 Resources Board pursuant to the California Global Warming
31 Solutions Act of 2006 (Division 25.5 (commencing with Section
32 38500) of the Health and Safety Code), the state's forests currently
33 are an annual net sequester of five million metric tons of carbon
34 dioxide (5MMTCO₂). In fact, the forest sector is the only sector
35 included in the scoping plan that provides a net sequestration of
36 greenhouse gas emissions.

37 (c) The scoping plan proposes to maintain the current
38 5MMTCO₂ annual sequestration rate through 2020 by

1 implementing “sustainable management practices,” which include
2 potential changes to existing forest practices and land use
3 regulations.

4 (d) There is increasing evidence that climate change has and
5 will continue to stress forest ecosystems, which underscores the
6 importance of proactively managing forests so that they can adapt
7 to these stressors and remain a net sequester of carbon dioxide.

8 (e) The board, the department, and the State Air Resources
9 Board should strive to go beyond the status quo sequestration rate
10 and ensure that their policies and regulations reflect the unique
11 role forests play in combating climate change.

12 SEC. 3. Section 4513 of the Public Resources Code is amended
13 to read:

14 4513. It is the intent of the Legislature to create and maintain
15 an effective and comprehensive system of regulation and use of
16 all timberlands so as to ensure both of the following:

17 (a) Where feasible, the productivity of timberlands is restored,
18 enhanced, and maintained.

19 (b) The goal of maximum sustained production of high-quality
20 timber products is achieved while giving consideration to values
21 relating to sequestration of carbon dioxide, recreation, watershed,
22 wildlife, range and forage, fisheries, regional economic vitality,
23 employment, and aesthetic enjoyment.

24 SEC. 4. Section 4551 of the Public Resources Code is amended
25 to read:

26 4551. (a) The board shall adopt district forest practice rules
27 and regulations for each district in accordance with the policies
28 set forth in Article 1 (commencing with Section 4511) of this
29 chapter and pursuant to Chapter 3.5 (commencing with Section
30 11340) of Part 1 of Division 3 of Title 2 of the Government Code
31 to—~~assure~~ *ensure* the continuous growing and harvesting of
32 commercial forest tree species and to protect the soil, air, fish,
33 wildlife, and water resources, including, but not limited to, streams,
34 lakes, and estuaries.

35 (b) The board shall ensure that its rules and regulations that
36 govern the harvesting of commercial tree species, where applicable,
37 consider the capacity of forest resources, including ~~above-ground~~
38 *above ground* and ~~below-ground~~ *below ground* biomass and soil,
39 to sequester carbon dioxide emissions sufficient to meet or exceed
40 the state’s greenhouse gas reduction requirements for the forestry

sector, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

SEC. 5. Section 4582 of the Public Resources Code is amended to read:

4582. The timber harvesting plan shall be filed with the department in writing by a person who owns, leases, or otherwise controls or operates on all or any portion of any timberland and who plans to harvest the timber thereon. If the person who files the plan is not the owner of the timberland, the person filing the plan shall notify the timberland owner by certified mail that the plan has been submitted and shall certify that mailing to the department. The plan shall be a public record and shall include all of the following information:

(a) The name and address of the timber owner.

(b) The name and address of the timber operator if known at the time of filing. If the timber operator is not known at the time of filing, the plan submitter shall notify the department as soon as the timber operator is known, but in any case before timber operations begin.

(c) A description of the land on which the work is proposed to be done, including a United States Geological Survey quadrangle map or equivalent indicating the location of all streams, the location of all proposed and existing logging truck roads, and indicating boundaries of all site I classification timberlands to be stocked in accordance with subdivision (b) of Section 4561 and any other site classifications if the board establishes specific minimum stocking standards for other site classifications.

(d) A description of the silvicultural methods to be applied, including the type of logging equipment to be used.

(e) An outline of the methods to be used to avoid excessive accelerated erosion from timber operations to be conducted within the proximity of a stream.

(f) An estimate of the emissions of carbon dioxide from timber operations, including emissions from aboveground and belowground carbon pools, such as biomass and soil.

(g) Special provisions, if any, to protect any unique area within the area of timber operations.

1 ~~(h) The expected dates of commencement and completion of~~
2 ~~timber operations.~~

3 ~~(i) A certification by the registered professional forester~~
4 ~~preparing the plan that he or she or a designee has personally~~
5 ~~inspected the plan area.~~

6 ~~(j) Any other information the board provides by regulation to~~
7 ~~meet its rules and the standards of this chapter.~~

8 ~~SEC. 6.~~

9 ~~SEC. 5.~~ No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.